

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PCC AIRFOILS, LLC,)	CASE NO. 5:10 CV 476
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
METAL WORKERS ALLIANCE, INC.,)	
)	<u>REPORT & RECOMMENDATION</u>
Defendant.)	

District Judge Christopher Boyko has referred this case to me for general pretrial supervision.¹

At a status conference held on May 20, 2010, counsel for the plaintiff and counsel for the defendant advised me of their agreement that the arbitration award at issue in this case should be vacated. They disagree, however, on the appropriate ground for vacatur.

I raise *sua sponte* the question of whether given this agreement this case remains justiciable under Article III of the United States Constitution. The vacatur of the arbitration award, regardless of the ground therefor, would give the plaintiff complete relief on the complaint. By minutes of proceedings, I set June 3, 2010 as a date by which counsel must either file a proposed, agreed entry vacating the arbitration award or supplemental briefs addressed to the continuing justiciability of this case.²

¹ ECF # 8.

² ECF # 11.

Counsel have now filed a proposed order agreeing to the vacating of the arbitration award.³ Given counsel's agreement that the arbitration award should be vacated and this case concluded, I recommend that the Court sign and file the agreed entry vacating the arbitration award in the form proposed by counsel.

Dated: May 25, 2010

s/ William H. Baughman, Jr.
United States Magistrate Judge

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.⁴

³ ECF # 13.

⁴ *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).